

18114-1

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

NEREIDA MENDEZ,)	
)	
Judgment creditor,)	
)	
v.)	No. 04 C 4159
)	
DENTISTS, P.C., DENTAL PROFILE, LTD.,)	
PERLA DENTAL, DENTAL PROFILE,)	
)	
Judgment debtors.)	

MOTION FOR JUDGMENT

Movant, PERLA DENTAL 26TH STREET, L.L.C., by its attorney, Lawrence A. Stein of HUCK BOUMA PC, moves for judgment in its favor, and against the judgment creditor, NEREIDA MENDEZ, her counsel, DANA L. KURTZ, and SECOND FEDERAL SAVINGS AND LOAN ASSOCIATION in the amount of \$1,000. In support of its motion, movant state as follows:

1. On May 12, 2011, movant filed its motion pursuant to rule 60 for relief from and to vacate, the part of paragraph 2 of the order entered on May 12, 2010, ordering Second Federal Savings and Loan to turn over \$1,000 owned by the movant to the judgment creditor to be applied to the judgment without affording movant any notice or an opportunity to be heard, and requiring the judgment creditor, her counsel, and Second Federal to refund to the movant its \$1,000. The motion was docket item 395.

2. On April 4, 2012, Magistrate Judge Maria Valdez issued a report and recommendation recommending that the court grant movant's amended motion for relief from order. The report and recommendation is docket item 650.

3. On July 16, 2012, the district court entered an order adopting the report and recommendation of the magistrate judge, and granting Perla Dental 26th Street's amended motion for relief from order. The order is docket item 690.

4. However, neither the judgment creditor, NEREIDA MENDEZ, nor her counsel, DANA L. KURTZ, nor SECOND FEDERAL SAVINGS AND LOAN ASSOCIATION, have refunded any part of the movant's \$1,000 as movant requested in its amended motion for relief from judgment, as the magistrate judge recommended the granting of, and as the district court entered an order granting.

5. As a result of the failure of the judgment creditor, NEREIDA MENDEZ, her counsel, DANA L. KURTZ, and SECOND FEDERAL SAVINGS AND LOAN ASSOCIATION to refund the movant's \$1,000 notwithstanding that this court has granted that relief, movant requests judgment in its favor, and against the judgment creditor, NEREIDA MENDEZ, her counsel, DANA L. KURTZ, and SECOND FEDERAL SAVINGS AND LOAN ASSOCIATION, jointly and severally, and for its costs, and for all other relief deemed appropriate under the circumstances.

WHEREFORE, movant, PERLA DENTAL 26TH STREET, L.L.C., requests judgment in its favor, and against the judgment creditor, NEREIDA MENDEZ, her counsel, DANA L. KURTZ, and SECOND FEDERAL SAVINGS AND LOAN ASSOCIATION, jointly and severally, and for its costs, and for all other relief deemed appropriate under the circumstances..

Respectfully submitted,

HUCK BOUMA PC

/s/ Lawrence A. Stein

Lawrence A. Stein

CERTIFICATE OF FILING AND SERVICE

I, LAWRENCE A. STEIN, state as follows under penalty of perjury this twelfth day of September 2012:

1. I filed this *Motion for Judgment* by filing it with the clerk of the court by electronic means.
2. I served this *Motion for Judgment* by filing it with the clerk of the court by electronic means, which electronic filing constitutes service by virtue of local rule 5.9.
3. I made the electronic filing on September 12, 2012.

/s/ Lawrence A. Stein

Lawrence A. Stein
HUCK BOUMA PC
1755 South Naperville Road
Wheaton, Illinois 60189
Telephone (630) 221-1755
Facsimile (630) 221-1756